

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REORGANIZATION/REGULAR MEETING  
MINUTES  
January 9, 2012**

**APPROVED 3/4/12**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Reorganization/Regular Meeting of the Westwood Zoning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:**

**PRESENT:** Christopher Owens  
Raymond Arroyo, Vice-Chairman  
William Martin, Chairman  
Eric Oakes  
Michael Bieri  
Vernon McCoy  
Robert Bicocchi  
Guy Hartman (Alt #1)  
Matthew Ceplo (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Louis Raimondi, Brooker Engineering,  
Board Engineer  
Kevin Kane, appeared on behalf of  
Steve Lydon, Burgis Associates,  
Board Planner

**ABSENT:** None

**REORGANIZATION MEETING**

**SWEARING IN OF MEMBERS:** William Martin and Eric Oakes were previously sworn in as reappointed members at the Borough

(WWZB 1/9/12)

Reorganization Meeting. Guy Hartman was sworn in by the Board Attorney, David Rutherford, Esq. as Alternate #1, with a term ending 12/31/13. Vernon McKoy was sworn in by the Board Attorney, David Rutherford, Esq. as a Full Member, with a term ending 12/31/15.

**NOMINATIONS FOR CHAIRMAN OF THE ZONING BOARD:**

David Rutherford, Esq. called for nominations for the position of Chairman of the Zoning Board.

Upon nomination by Mr. Bicocchi, seconded by Mr. Arroyo, with no further nominations, **William Martin** was nominated as Chairman of the Zoning Board.

Upon motion of Mr. Oakes, seconded by Mr. Owens, all ayes, the Board closed the nominations for Chairman. On roll call vote, all members voted yes.

**NOMINATIONS FOR VICE-CHAIRMAN OF THE ZONING BOARD:**

Chairman William Martin requested a nomination for the election of a Vice-Chairman:

Upon nomination by Mr. Owens, seconded by Mr. Oakes, with no further nominations, **Raymond Arroyo** was nominated as Vice-Chairman of the Zoning Board.

Upon motion of Mr. Owens, seconded by Mr. Bieri, all ayes, the Board closed the nominations for Vice-Chairman. On roll call vote, all members voted yes.

**NOMINATIONS FOR APPOINTMENT OF ATTORNEY FOR THE ZONING BOARD:**

Chairman Martin requested a nomination for the appointment of an Attorney:

Upon nomination by Mr. Arroyo, seconded by Mr. Bicocchi, with no further nominations, **David Rutherford, Esq.** was nominated to continue as Attorney for the Zoning Board.

Upon motion of Mr. Arroyo, seconded by Mr. Bicocchi, the Board closed the nominations for Attorney for the Zoning Board. On roll call vote, all members voted yes.

(WWZB 1/9/12)

**NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL ENGINEER FOR ZONING BOARD:**

Chairman Martin requested a nomination for the appointment of Professional Engineer for the Zoning Board:

Upon motion of Mr. Arroyo, seconded by Mr. Oakes, with no further nominations, **Louis Raimondi of Brooker Engineering**, was nominated to continue as Professional Engineer for the Zoning Board.

Upon motion of Mr. Arroyo, seconded by Mr. Oakes, the Board closed the nominations for Professional Engineer for the Zoning Board. On roll call vote, all members voted yes.

**NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL PLANNER FOR THE ZONING BOARD:**

Chairman Martin requested a nomination for the appointment of a Planner:

Upon motion of Mr. Arroyo, seconded by Mr. Bicocchi, with no further nominations, **Steve Lydon, Burgis Associates**, was nominated to continue as Professional Planner for the Zoning Board.

Upon motion of Mr. Arroyo, seconded by Mr. Bicocchi, the Board closed the nominations for Professional Planner, for the Zoning Board. On roll call vote, all members voted yes.

**NOMINATIONS FOR APPOINTMENT OF RECORDING SECRETARY:**

Chairman Martin requested a nomination for the appointment of a Recording Secretary:

Upon motion of Mr. Arroyo, seconded by Mr. Owens, with no further nominations, **Mary R. Verducci** was nominated to continue as Recording Secretary for the Zoning Board.

Upon motion of Mr. Arroyo, seconded by Mr. Owens, all ayes, the Board closed the nominations for Recording Secretary for the Zoning Board. On roll call vote, all members voted yes.

**ADOPTION OF 2012 MEETING DATES:**

Upon motion of Mr. Arroyo, seconded by Mr. Bicocchi, all ayes on roll call vote, the Board adopted the 2012 Meeting Dates

(WWZB 1/9/12)

for the Zoning Board as attached. The dates would be forwarded to the Borough Clerk for publication.

**ADOPTION OF PROCEDURAL RULES & BY-LAWS** - Tabled to the 2/6/12 meeting upon motion of Mr. Owens, seconded by Mr. Bicocchi, and carried unanimously on roll call vote.

**ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2011** - Prepared by Mr. Rutherford; Tabled to the 2/6/12 meeting upon motion of Mr. Owens, with second by Mr. Bieri and carried on roll call vote.

#### **REGULAR MEETING**

**4. MINUTES** - The Minutes of the 12/5/11 were approved on motion of Mr. Arroyo, seconded by Mr. Oaken and carried unanimously on roll call vote.

**5. CORRESPONDENCE:**

1. Annual Notice of Meetings Scheduled for 2012;

**6. VOUCHERS:** A motion to approve vouchers totaling \$3,306.25 was made by Mr. Bieri, seconded by Mr. Oakes, and carried unanimously on roll call vote.

**7. RESOLUTIONS:**

1. **Royer - 29 Eighth Avenue** - Board Attorney Rutherford reviewed the Resolution in its entirety for the record. There were no further questions, comments or discussions. A motion for approval of the Resolution was made by Mr. Arroyo and seconded by Mr. Bieri. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Owens, Mr. McKoy, Mr. Ceplo, and Chairman Martin voted yes. Mr. Bicocchi, Mr. Oakes and Mr. Hartman were not eligible to vote. A copy of the Resolution is to be sent to the Construction Official, calling his attention to the conditions relating to construction and drainage.

**8. PENDING NEW BUSINESS:** None

**9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

(WWZB 1/9/12)

The Board Professionals were sworn in.

**1. KMACK North, 39 Kinderkamack Road, Block 1805, Lot 39-Variance & Site Plan Approval - Catherine Gregory, Substitute Board Planner, was present for this application.** (Special Meeting 1/30/12)

**2. KMACK South, 40 Kinderkamack Road, Block 1607, Lots 12, 13 & 14 - Variance & Site Plan Approval - Catherine Gregory, Substitute Board Planner, was present for this application.** (Special Meeting 1/30/12)

**3. Peck - 18 Sixth Avenue, Block 307, Lot 9 - Variance Application** - Brian W. Peck, applicant, and Scott Bella, Licensed Architect, were present. Mr. Bella continued under oath and described the changes since the last meeting. Impervious coverage has been reduced to 29.2% of the lot. Two 1,000 gallon seepage pits are now proposed to handle the stormwater runoff from the gutters and leaders of the new addition. They also changed the driveway to allow for a turnaround. They were asked to show the distance of the existing buildings to the adjacent properties. They received a letter from Mr. Raimondi, but did not have time to prepare drawings for seepage pits and construction details. They would be happy to make it a condition of the application. Mr. Lantelme prepared a revised Topographic Survey, last revised 12/6/11-Building Offsets, which was submitted.

Mr. Raimondi rendered a new report dated 12/27/11. He stated the last plan by Scott C. Bella, AIA was dated 12/7/11, which shows two 1,000 seepage pits, but he doesn't have any soil logs. Mr. Peck advised they did not do them. Mr. Martin, noting it was required, commented it would have to be a condition. The other change was to the turning area in the driveway, by making it wider. They confirmed they are still using the same curb cuts. Mr. Raimondi commented the size of the existing tree labeled as possibly having to be removed is not given and should be identified by diameter and distance from the new garage foundation. There was a question whether the large maple tree had to be removed. It should be identified by size at planting as well as details for planting and how it would be protected. The architect said it has been trimmed back and is the larger of two maple trees. It is about 5' off the line. Mr. Raimondi and Mr. Martin said it would have to be taken down,

(WWZB 1/9/12)

as it is so close to the house and would likely be damages anyway. He was thinking of replacing it with another tree with a smaller root system. Mr. Raimondi suggested it be referred to Shade Tree Committee. He needs to refer to the ordinance as well.

Mr. Raimondi also required calculations and details of the seepage pits. Mr. Bella asked for the requirements of the seepage pits. The surveyor, Mr. Lantelme, is also an engineer, and would know about the calculations. Mr. Martin referred them to the RSIS that governs residential developments and provides formulas.

There were four variances, as stated in the latest report of Steve Lydon, Burgis Associates dated 1/3/12: 7.2' side yard where 10' is required; 26.5' rear yard where 30' is required; and the width of the driveway should be 22', but in locations it exceeds 35 feet in width. Variance relief would be required.

Chairman Martin commented the application is a corner lot, and the structures on the property make it difficult to comply with the ordinance for extending and adding on. Therefore, it is a C1 hardship. Mr. Arroyo agreed, and the addition makes sense. He extended the house in a way that mitigates any negatives.

There were no further questions, comments or discussions and no interested parties in the public.

A motion to approve the application was made by Mr. Arroyo and seconded by Mr. Owens. On discussion, the following conditions were imposed as outlined by Attorney Rutherford: Percolation tests satisfactory to the Board Engineer be conducted and the satisfactory results be submitted to Mr. Raimondi along with the drainage plan. Mr. Raimondi would acknowledge receipt of same. There were further questions, comments or discussion. On roll call vote, Mr. Bicocchi, Mr. Bieri, Mr. Arroyo, Mr. Oakes, Mr. Owens, Mr. McKoy, and Mr. Martin voted yes.

Prior to taking a recess, Chairman Martin noted Ingrid Quinn is now Council Liaison to the Governing Body and was seated in the audience.

(WWZB 1/9/12)

The Board took a recess from 8:50 p.m. to 8:55 p.m.

**4. Brightly, 71 Goodwin Terrace, Block 1602, Lot 2 - Variance Application** - Mr. Rutherford reviewed the publication documents and found them to be in order. Matthew Ceplo stated he is situated within 200' of the subject site. Therefore, he recused himself and stepped down from the dais. Mr. Brightly was sworn in as the applicant. Vincent Cioffi, R.A., Licensed Architect, was sworn in and accepted.

Mr. Cioffi presented the application to enlarge the size of his detached garage for the sole purpose of fitting his SUV in the garage. He submitted photos, which he described, and marked then A1 and A2. The depth would be extended approximately 2'. The architectural drawings were dated 8/18/11, prepared by Vincent Cioffi, R.A. The design of the garage is a low-impact design. The confines of the addition are in the direct center of the garage and do not exceed the overhang. They intend to have the wing walls match the brick and have hardi-plank on the rest, replacing the trellis. The garage is 11' from the house and overlaps a foot or so, and that addition has been there 40 years or so.

Mr. Martin confirmed that the entire two issues are the distance between the garage and house, and the garage size, which is such that a 10' variance is required. Mr. Raimondi asked about the distance from the new part of the garage to the existing part of the garage. Mr. Cioffi and Mr. Raimondi discussed the distances. It might be 5' or less. Mr. Hartman asked if it should be measured from the overhang or the garage itself. Mr. Raimondi responded the ordinance says from the garage itself. Mr. Cioffi would come up with the exact number. Mr. Martin questioned Mr. Cioffi, noting the lot is oddly shaped. The addition is simply to restore functionality to a garage that may have been constructed at a time when there were no Expeditions, SUVs or Tahoe's. The advantage is to restore functionality to a garage to take the vehicle out of view. As a result, they wound up with an unusual configuration. Mr. Cioffi commented they did the best they could to solve the problem at hand. Also, there is an existing solid wood fence.

The matter was opened to the public. Betty Shovlin, 90 Hurlbut Street, was sworn in. Ms. Shovlin described the impact to her property. She did not agree with the scope of the

(WWZB 1/9/12)

project and asked the Zoning Board to deny the application. She presented photos, which were marked (Objector) 01 and 02 and described by her. Her property is very close to the fence line, she noted. It is very close and will impact her property value. There needs to be compromises. They wanted this community and felt they would be protected by the zoning code and laws. Mr. Arroyo asked how far her house was from the fence. Ms. Shovlin said it was about 30', and that was her fence. The Board reviewed the photos.

Mr. Martin explained the Board consists of citizens from the Borough. The zoning is enacted by the Borough and State statutes. The statutory criteria that must be adhered to is very strict. The property owner and the applicant also have rights. The statute allows the Board to hear applications based on hardship. This applicant has a very unusually shaped piece of property. The structures are located on the property, making it very difficult to adhere to the zoning. This is exactly what was envisioned by the State legislature in allowing the Board to grant these variances. The applicant has rights, and there is criteria by the State. Ms. Shovlin asked if she had any hardship. This is what has to be decided, and there will be other opinions by the other Board Members Mr. Martin explained. The circumstances and features of this property meet the criteria for hardship. She asked about the existing garage addition. Mr. Rutherford advised that is a non-conforming condition that is not before the Board this evening. All that is before the Board this evening is the bump-out portion.

A survey in the package showed the overhang and 2/10" of the walkway are over the property line. Mr. Martin asked Mr. Cioffi about this. Mr. Cioffi responded things that hang over the property line do not affect the variance granted, and the applicant could be asked to remove it. Mr. Martin asked if he could modify the overhang to bring it back in, and Mr. Cioffi responded yes, it could be trimmed back without affecting the structure, but may not look appealing.

Ms. Shovlin commented there was an unattractive addition there now. Mr. Brightly explained there were four fence posts that had a roof, which he took off. Mr. Martin asked if something could be done to improve the look of the back of the garage that faces the neighbor. She notes there is also rotten wood. The applicant was stacking wood back there as well.



(WWZB 1/9/12)

Mr. Martin requested a few minor accommodations to improve the aesthetics for the neighbor, noting the Board does take aesthetics into consideration. Mr. Brightly asked if he could cut down the posts to below the top of the fence. Perhaps the remainder of the garage could be painted and spruced up, Mr. Martin suggested. Mr. Brightly would also paint the wood that he used to replace a window he took out. The trellis will be in the front of where the garage projects out and will be green in the growing season, Mr. Martin added. Ms Shovlin asked how far down her property line this would go. Mr. Cioffi illustrated this on the plan. Mr. Martin commented it improves the functionality of the garage and is considered an enhancement. The applicant has agreed to make aesthetic improvements in the rear as a condition of any approval.

Ms. Shovlin asked the Board to consider the application very carefully. Also she does not want her yard to flood any more than it does now. Mr. Oaks was curious as to how the current overhang took place and Mr. Martin noted it was probably due to building permits in times past. We have no way of determining that, and it has no relevance to the discussion. Mr. Rutherford agreed we could wonder, but just look upon it as an existing condition and not in the Board's jurisdiction to address. Mr. Martin commented this property is the most unusually shaped property in that section. Mr. Arroyo noted Ms. Shovlin's comment as to flooding, stating the applicant's impervious coverage is way under. Mr. Hartman and Mr. Martin asked Mr. Cioffi to make sure all downspouts and leaders are directed away from the neighbor's property. Mr. Cioffi and Mr. Brightly stated they are directed out to the street.

There were no further questions, comments or discussions. A motion for approval was made by Mr. Oakes, with conditions to be discussed, with second by Mr. McCoy. Conditions included items to be brought into compliance: overhang and portion of sidewalk to be removed; fascia on back of shed and entire garage be repaired and painted; the panel replacing the window to be repaired; cut down metal firewood poles to fence height or lower; addition to be 5' from the line; and leaders to be directed away from neighbor's property. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Owens, Mr. McCoy, and Mr. Martin voted yes. Mr. Martin commented as to the

(WWZB 1/9/12)

justification of the variance. Mr. Bicocchi voted no. Mr. Ceplo was recused.

Mr. Ceplo returned to the dais.

**5. Metro PCS New York, 182 Third Avenue - Variance and Site Plan Approval - Still incomplete - carried;**

**6. Care One at Valley, 300 Old Hook Road - Variance & Site Plan Approval - Still incomplete - carried;**

**7. Snyder, 73 Lyons Place - Variance Application - Still incomplete - carried;**

**10. DISCUSSION:**

Mr. Martin requested a copy of the Master Plan Re-Examination be distributed to all Board Members for the February meeting, stating the suggestions from the Zoning Board were taken into consideration.

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:00 p.m.

**Respectfully submitted,**

---

**MARY R. VERDUCCI, Paralegal**  
**Zoning Board Secretary**